

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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MEHMET KAHVECİ, :
Plaintiff, : Civil Action No. 12-cv-11748-DJC
v. :
KIBAR HOLDING A.S. and :
KIBAR DIS TİCARET A.S. :
Defendants. :
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WHEREAS, Plaintiff filed its Complaint (Doc. No. 1) on September 19, 2012; and

WHEREAS, the 120-day period for service provided for in Rule 4(m) of the Federal Rules of Civil Procedure ran through January 17, 2013; and

WHEREAS, on January 14, 2013, Plaintiff filed an *ex parte* motion (Doc. No. 4) to enlarge the time to serve the Complaint by 90 days (until April 17, 2013), and

WHEREAS, on January 17, 2013, Defendants made a special, limited appearance and opposed that motion, contending that Plaintiff has not shown good cause justifying an enlargement of time, and requesting that the Court dismiss the Complaint in light of Plaintiff's failure to effectuate service within the 120 days provided for in the Federal Rules of Civil Procedure (Doc. No. 8); and

WHEREAS, Plaintiff effectuated service on defendants Kibar Holding A.S. and Kibar Das Tricaret A.S. on March 12, 2013, and May 2, 2013, respectively; and

WHEREAS, if the Court denies Plaintiff's motion and dismisses the Complaint, Defendants will not have to respond to Plaintiff's Complaint; and

WHEREAS, in light of the pending motion, Defendant Kibar Holding A.S. requested that Plaintiff agree to extend its time to respond to the Complaint, but Plaintiff initially denied that request, which necessitated a motion by Kibar Holding A.S., filed on April 1, 2013, to extend time to respond to the Complaint (Doc. No. 16);

WHEREAS, Plaintiff has now agreed to extend the time for both Defendants to respond to the Complaint until after the Court rules on the pending motion in order to avoid forcing Defendants to go to the trouble and expense of preparing and filing a response to the Complaint, and to avoid forcing Plaintiff to go to the trouble and expense of preparing and filing an opposition to any motions, or answer to any counterclaims, which may be filed by Defendants, all of which may prove unnecessary, depending on how the Court rules on the pending motion;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, that the time for Defendants Kibar Holding A.S. and Kibar Dis Ticaret A.S. to appear, answer, move against, or otherwise respond to Plaintiff's Complaint in the above proceeding, should such an answer, motion or response become necessary, shall be extended until 14 days after the Court rules on Plaintiff's pending motion (Doc. No. 4).

Because this stipulation moots Defendant Kibar Holding A.S.'s pending motion (Doc. No. 16), that motion is hereby withdrawn without prejudice.

Dated: May 15, 2013

Respectfully submitted,

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Attorneys for Plaintiff Mehmet Kahvaci

SO ORDERED this ____ day of May, 2013:

Honorable Denise J. Casper
United States District Judge